

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

2023 MAY 18 AM 8:56

CLERK-LAS CRUCES

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**JOSE LUIS AVALOS, a.k.a. Josie Luis Avalos, a.k.a. "El Gordo,"**

**DAVID AVALOS-SOLIS, a.k.a. David Alberto Avalos-Solis,**

**NANCY ORELLANA-RECINOS,**

**CINDY MARIE ESCOBAR,**

**ADAM GUERRERO,**

**JUSTIN WALKER,**

**DARIO REY GAMBOA,**

**DIEGO REAN GAMBOA a.k.a. "Sunny,"**

and **KRISTINA HARDIN,**

Defendants.

CRIMINAL NO. 23CR693 MIS

Count 1: 8 U.S.C. § 1324(a)(1)(A)(v)(I):  
Conspiracy to Transport and Harbor Illegal Aliens;

Count 2: 18 U.S.C. § 1956(h): Conspiracy  
to Launder Monetary Instruments by  
Concealment;

Count 3: 18 U.S.C. § 1956(a)(1)(B)(i):  
Laundering of Monetary Instruments.

INDICTMENT

The Grand Jury charges:

Count 1

From on or about June 7, 2022, and continuing to on or about March 21, 2023, in Doña Ana County and Sandoval County, in the District of New Mexico, and elsewhere, the defendants, **JOSE LUIS AVALOS, a.k.a. Josie Luis Avalos, a.k.a. "El Gordo," DAVID AVALOS-SOLIS, a.k.a. David Alberto Avalos-Solis, NANCY ORELLANA-RECINOS, CINDY MARIE ESCOBAR, ADAM GUERRERO, JUSTIN WALKER, DARIO REY GAMBOA, DIEGO REAN GAMBOA, a.k.a. "Sunny," and KRISTINA HARDIN** combined, conspired, confederated, agreed, and acted interdependently with each other and with other persons whose names are known and unknown to the Grand Jury to commit offenses defined in 8 U.S.C. § 1324(a)(1)(A)(ii), specifically, transporting illegal aliens, and 8 U.S.C. § 1324(a)(1)(A)(iii), specifically, harboring illegal aliens.

Specific Acts

1. From on or about July 6, 2021, and continuing until on or about October 18, 2022, Nancy Orellana-Recinos received approximately 58 Zelle money transfers, “edeposits,” or transfers from other sources into her Wells Fargo account ending in 2595 from various individuals, and in amounts representing the proceeds of alien smuggling. These transfers totaled approximately \$68,000.

2. From on or about August 10, 2021, and continuing until on or about May 12, 2022, Kristina Hardin received approximately 60 Zelle money transfers into her First National Bank Texas account ending in 2540 from various individuals, and in amounts representing the proceeds of alien smuggling. These transfers totaled approximately \$97,000.

3. From on or about October 28, 2021, and continuing until on or about January 5, 2022, Jose Luis Avalos received approximately 29 Zelle money transfers into his First National Bank Texas account ending in 1486 from various individuals, and in amounts representing the proceeds of alien smuggling. These transfers totaled approximately \$56,000.

4. From on or about May 13, 2022, and continuing until on or about December 27, 2022, Kristina Hardin received approximately 180 Zelle money transfers or transfers from other sources into her Wells Fargo account ending in 6200 from various individuals, and in amounts representing the proceeds of alien smuggling. These transfers totaled approximately \$279,000.

5. On or about June 7, 2022, Jose Luis Avalos exchanged telephone messages Co-conspirator 1 to begin developing the contours of their illicit conspiracy.

6. On or about June 15, 2022, Jose Luis Avalos paid or caused to be paid \$320 to Co-conspirator 1 for food to feed the aliens Co-conspirator 1 was smuggling for him.

7. On or about June 19, 2022, Jose Luis Avalos paid or caused to be paid \$500 to Co-conspirator 1 for expenses related to the aliens Co-conspirator 1 was smuggling for him.

8. On or about July 2, 2022, Co-conspirator 1 sent a message by telephone to Nancy Orellana-Recinos advising her that Co-conspirator 1 was arriving at her house with seven illegal aliens.

9. On or about July 1, 2022, Co-conspirator 1 sent messages by telephone to Diego Rean Gamboa asking if he wanted to transport four illegal aliens for \$1,200 or wait to make \$400 or \$500 per alien later that night. Diego Rean Gamboa stated he wanted to do both trips, but the latter if it was the only one possible. He also confirmed that he would “scout” the U.S. Border Patrol Checkpoint for \$50 and report back to Co-conspirator 1 if it was closed.

10. On or about July 2, 2022, Diego Gamboa was encountered by U.S. Border Patrol Agents during a failed alien smuggling event where he was acting as “scout” for Co-conspirator 2 and Co-conspirator 3, who were all acting at the direction of Co-conspirator 1.

11. On or about July 4, 2022, Co-conspirator 1 sent a message by telephone to Nancy Orellana-Recinos advising her that Co-conspirator 1 would be arriving with nine illegal aliens.

12. On or about July 9, 2022, Jose Luis Avalos sent a message by telephone to Co-conspirator 1 asking for the status of the alien load Co-conspirator 1 was carrying for him.

13. On or about July 10, 2022, Nancy Orellana-Recinos received a message sent by Co-conspirator 1 that the final count was 17 illegal aliens.

14. On or about July 11, 2022, Jose Luis Avalos sent a message by telephone to Co-conspirator 1 telling Co-conspirator 1 they needed to pick up 20 aliens and asking if Co-conspirator 1 was ready.

15. On or about July 13, 2022, Dario Rey Gamboa sent a message by telephone to Co-conspirator 1 stating he was short on cash and that he needed work smuggling illegal aliens.



16. On or about July 14, 2022, Dario Rey Gamboa received a message from Co-conspirator 1 by telephone with the address of 914 11th Ave. NW, Rio Rancho, New Mexico, which is the residence of Nancy Orellana-Recinos.

17. On or about July 15, 2022, Dario Rey Gamboa exchanged messages with Co-conspirator 1 by telephone to confirm an alien smuggling trip had been completed, and that Dario Rey Gamboa had been paid \$4,500 by Nancy Orellana-Recinos.

18. On or about July 16, 2022, Nancy Orellana-Recinos received a message from Co-conspirator 1 by telephone that 20 illegal aliens would be arriving at Nancy Orellana-Recinos' house in four separate cars.

19. On or about July 18, 2022, Jose Luis Avalos sent a message by telephone to Co-conspirator 1 asking if Co-conspirator 1 was picking up 12 aliens he had to smuggle.

20. On or about July 19, 2022, Jose Luis Avalos sent a message by telephone to Co-conspirator 1 asking if Co-conspirator 1 was picking up 12 aliens he had to smuggle.

21. On or about July 20, 2022, Jose Luis Avalos sent messages by telephone to Co-conspirator 1 asking where Co-conspirator 1 was in the course of Co-conspirator 1's current alien smuggling scheme and advised that "Nancy" would pay Co-conspirator 1 "18K" when Co-conspirator 1 arrived.

22. On or about July 22, 2022, Jose Luis Avalos sent a message by telephone to Co-conspirator 1 asking if Co-conspirator 1 had a driver to pick up five illegal aliens in El Paso and inquiring about another seven illegal aliens in the process of being smuggled.

23. On or about July 22, 2022, Nancy Orellana-Recinos received a message sent by Co-conspirator 1 by telephone that Co-conspirator 1 was arriving at Nancy Orellana-Recinos' house with eight undocumented migrants.

24. On or about July 23, 2022, Nancy Orellana-Recinos received a message sent by Co-conspirator 1 by telephone that Co-conspirator 1 would be arriving for “5mil” (slang for \$5,000 in U.S. Currency).

25. On or about July 24, 2022, Nancy Orellana-Recinos received a message sent by Co-conspirator 1 by telephone that 10 illegal aliens would be arriving at Nancy Orellana-Recinos’ house in two separate cars.

26. On or about July 31, 2022, Jose Luis Avalos sent a message by telephone to Co-conspirator 1 discussing when he could give Co-conspirator 1 a recreational vehicle to transport illegal aliens and discussing the transport of at least 30 illegal aliens.

27. On or about August 5, 2022, Jose Luis Avalos sent a message by telephone to Co-conspirator 1 telling Co-conspirator 1 he had 10 racks (slang for illegal aliens). They then exchanged text messages about picking up more illegal aliens and concluded with Co-conspirator 1 stating Co-conspirator 1 had passed Hatch, New Mexico with 32 illegal aliens.

28. On or about August 6, 2022, Nancy Orellana-Recinos received a message sent by Co-conspirator 1 by telephone that Co-conspirator 1 and another driver would be arriving in two cars with 15 illegal aliens.

29. On or about August 8, 2022, Jose Luis Avalos sent a message by telephone to Co-conspirator 1 directing Co-conspirator 1 and other drivers to transport at least 20 illegal aliens and stating he would pay Co-conspirator 1 after.

30. On or about August 11, 2022, Jose Luis Avalos sent a message by telephone to Co-conspirator 1 discussing the transportation of at least 12 illegal aliens. Co-conspirator 1 confirmed that Co-conspirator 1 and other drivers had successfully transported 15 illegal aliens past a U.S. Border Patrol Checkpoint.

31. On or about August 11, 2022, Nancy Orellana-Recinos received a message sent by Co-conspirator 1 by telephone that Co-conspirator 1 would be arriving with 15 illegal aliens in three vehicles.

32. On or about August 19, 2022, Nancy Orellana-Recinos received a message sent by Co-conspirator 1 by telephone that Co-conspirator 1 would be arriving with 16 illegal aliens.

33. On or about August 20, 2022, Jose Luis Avalos sent messages by telephone to Co-conspirator 1 telling Co-conspirator 1 he needed three drivers for 12 illegal aliens and stating he would get money from the man in Juarez to pay for the 12 illegal aliens Co-conspirator 1 was harboring.

34. On or about August 24, 2022, Nancy Orellana-Recinos received a message sent by Co-conspirator 1 by telephone that Co-conspirator 1 was arriving with eight illegal aliens and four more would arrive later.

35. On or about August 29, 2022, Jose Luis Avalos sent messages by telephone to Co-conspirator 1 instructing Co-conspirator 1 to take six or seven “boxes” (a slang term for illegal aliens).

36. On or about September 1, 2022, Jose Luis Avalos sent messages by telephone to Co-conspirator 1 directing Co-conspirator 1 to retrieve the 14 “boxes” that belonged to “Pastor,” and telling Co-conspirator 1 they should go to “Nancy’s,” and that Nancy Orellana-Recinos should pay Co-conspirator 1 \$14,000 at Nancy Orellana-Recinos’ house.

37. On or about September 2, 2022, Jose Luis Avalos sent messages by telephone to Co-conspirator 1 directing Co-conspirator 1 to take all the illegal aliens’ cell phones away, then advised that the I-25 U.S. Border Patrol Checkpoint was closed and that Co-conspirator 1 should begin the alien smuggling run.



38. On or about September 2, 2022, Co-conspirator 1 sent messages by telephone to Nancy Orellana-Recinos telling her that Co-conspirator 1 was arriving with four illegal aliens and telling her that Co-conspirator 1 would be picking up some money.

39. On or about September 9, 2022, Jose Luis Avalos sent messages by telephone to Co-conspirator 1 advising there would be 12 illegal aliens to transport, and that there were 10 more illegal aliens coming that he would transport.

40. On or about September 2, 2022, Nancy Orellana-Recinos received a message sent by Co-conspirator 1 by telephone that a car would be arriving with five illegal aliens and that six more would arrive later.

41. On or about September 15, 2022, Nancy Orellana-Recinos received a message that Co-conspirator 1 had gotten 10 illegal aliens past the U.S. Border Patrol Checkpoint.

42. On or about September 15, 2022, Nancy Orellana-Recinos received a message sent by Co-conspirator 1 by telephone that two drivers were bringing Nancy Orellana-Recinos five illegal aliens each.

43. On or about September 16, 2022, Jose Luis Avalos sent messages by telephone to Co-conspirator 1 demanding that Co-conspirator 1 send videos of the 10 illegal aliens Co-conspirator 1 had just smuggled. Co-conspirator 1 then sent him a video of the same.

44. On or about September 21, 2022, Adam Guerrero, at the direction of Co-conspirator 1, attempted to transport five illegal aliens but was interdicted by U.S. Border Patrol Agents in Radium Springs, New Mexico.

45. On or about September 21, 2022, Cindy Marie Escobar received a message sent by Co-conspirator 1 by telephone that Co-conspirator 1 was pulled over by the police and asking Cindy Marie Escobar to “call Gordo” to go for the rest of the illegal aliens before they went to the house.

46. On or about September 22, 2022, Justin Walker, at the direction of Co-conspirator 1 and/or Jose Luis Avalos, attempted to transport eight illegal aliens but was interdicted by U.S. Border Patrol Agents near mile marker 25 on Interstate 25.

47. On or about September 23, 2022, Co-conspirator 1 and Cindy Marie Escobar harbored 21 illegal aliens a 365 N. Archuleta Road.

48. On or about January 19, 2023, Jose Luis Avalos sent messages by telephone to David Avalos-Solis notifying him that someone would be bringing him “cajas” (Spanish slang for illegal aliens).

49. On or about January 27, 2023, David Avalos-Solis sent messages to Jose Luis Avalos stating that he had a car and that he could fit 10 “cajas” inside of it.

49. On or about January 31, 2023, David Avalos-Solis and Jose Luis Avalos exchanged messages by telephone discussing the transportation of up to 60 illegal aliens by recreational vehicle.

50. On or about February 6, 2023, Jose Luis Avalos sent a message by telephone to David Avalos-Solis to ask whether the U.S. Border Patrol Checkpoints were closed.

51. On or about March 18, 2023, Jose Luis Avalos sent messages by telephone to David Avalos-Solis to ask whether he could take 13 “cajas,” to which David Avalos-Solis replied that he could and asked where they should go.

52. On or about March 21, 2023, David Avalos-Solis attempted to transport 21 illegal aliens in the recreational vehicle owned by Jose Luis Avalos, but was interdicted by U.S. Border Patrol Agents near mile marker 2 of New Mexico State Road 26.

In violation of 8 U.S.C. § 1324(a)(1)(A)(v)(I).

Count 2

From on or about August 10, 2021, and continuing to on or about December 27, 2022, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **JOSE LUIS**



**AVALOS, a.k.a. Josie Luis Avalos, a.k.a. “El Gordo,”** and **KRISTINA HARDIN**, knowingly combined, conspired, confederated, agreed, and acted interdependently with each other and with other persons whose names are known and unknown to the Grand Jury to commit an offense defined in 18 U.S.C. § 1956(a)(1)(B)(i), specifically, laundering of monetary instruments with the intent in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of unlawful activity.

Manner and Means

The manner and means by which the defendants, **JOSE LUIS AVALOS, a.k.a. Josie Luis Avalos, a.k.a. “El Gordo,” DAVID AVALOS-SOLIS, a.k.a. David Alberto Avalos-Solis, ADAM GUERRERO, JUSTIN WALKER, DARIO REY GAMBOA, DIEGO REAN GAMBOA a.k.a. “Sunny,” NANCY ORELLANA-RECINOS, CINDY MARIE ESCOBAR,** and **KRISTINA HARDIN**, sought to accomplish the objectives of the conspiracies detailed above in Counts 1 through 3, included, among other things, the following:

- a. Jose Luis Avalos, known as “Gordo” among his co-conspirators, ran an alien smuggling organization operating in the West Texas and New Mexico areas of responsibility since at least June 2022. The alien smuggling organization (“ASO”) is known as the “Gordo ASO.”
- b. Jose Luis Avalos would both smuggle illegal aliens himself and hire additional drivers to carry loads of aliens from areas at or near Doña Ana County, New Mexico, and El Paso County, Texas, north to Bernalillo and Sandoval Counties, New Mexico.
- c. Jose Luis Avalos employed, through direct hire or hire through subordinate members of the ASO, the following co-conspirators and other unindicted co-conspirators as illegal alien transporters: David Avalos-Solis, Adam Guerrero, Justin Walker, Dario Rey Gamboa, and Diego Rean Gamboa.

d. Jose Luis Avalos employed, through direct hire or hire through subordinate members of the ASO, Cindy Marie Escobar and other unindicted co-conspirators as illegal alien harborers in either Doña Ana County, New Mexico, or El Paso County, Texas.

e. Once the alien transporters had picked up illegal aliens from at or near Doña Ana County, New Mexico, and El Paso County, Texas, they would transport the aliens north to be harbored at the residence of Nancy Orellana-Recinos, or on rare occasions, they would leave the aliens at the Greyhound bus station. These locations are located in Sandoval and Bernalillo Counties, New Mexico.

f. Jose Luis Avalos would either pay his co-conspirators directly, have them paid by Nancy Orellana-Recinos, or use a subordinate member of the ASO as a pass-through to pay money to lower-level alien transporters or harborers.

g. Jose Luis Avalos and/or his wife, Kristina Hardin, received payments for their alien smuggling activities by transfers into their bank accounts at both First National Bank Texas and Wells Fargo Bank.

h. Jose Luis Avalos and/or his wife would then launder the proceeds of their alien smuggling activities by using their illicit gains to pay for various items, to include their mortgage payment.

i. Nancy Orellana-Recinos received payments for her alien smuggling activities by transfers into one or more of her bank accounts at Wells Fargo Bank.

j. Nancy Orellana-Recinos would then launder the proceeds of her alien smuggling activities by transferring illicit funds from the account where she received the proceeds into the business account she maintained for “La Eterna Primavera LLC,” a bakery.

In violation of 18 U.S.C. § 1956(h).

Count 3

From on or about December 21, 2021, and continuing to on or about September 17, 2022, in Sandoval County, in the District of New Mexico, and elsewhere, the defendant, **NANCY ORELLANA-RECINOS**, conducted and attempted to conduct a financial transaction and series of financial transactions affecting interstate commerce, namely the transfer of over \$25,000 from her personal Wells Fargo account ending in #2595 to her business accounts at Wells Fargo ending in #1260 and #2044, which in fact involved the proceeds of specified unlawful activity, namely harboring illegal aliens, contrary to 8 U.S.C. § 1324(a)(1)(A)(iii), knowing that the financial transaction was designed in whole and in part to conceal and disguise the nature, location, source, ownership, and control of the proceeds of unlawful activity.

In violation of 18 U.S.C. § 1956(a)(1)(B)(i).

FORFEITURE ALLEGATION

Upon conviction of any offense in violation of 8 U.S.C. § 1324 or 18 U.S.C. § 1956, the defendants, **JOSE LUIS AVALOS, a.k.a. Josie Luis Avalos, a.k.a. "El Gordo," NANCY ORELLANA-RECINOS**, and **KRISTINA HARDIN**, shall forfeit to the United States, pursuant to 18 U.S.C. §§ 982(a)(1) and (6), any property, real or personal, involved in such offense, and any property traceable to such property. The property to be forfeited includes, but is not limited to, the following:

1. MONEY JUDGMENT

A sum of money representing property involved in the offense(s) set forth in the Count(s) of conviction and any property traceable to such property.

2. PERSONAL PROPERTY

- a. All funds contained in Wells Fargo account ending in 2044 associated with La Eterna Primavera LLC.



- b. All funds contained in Wells Fargo account ending in 2595 associated with Nancy Orellana-Recinos; and
- c. All funds contained in Wells Fargo Account ending in 6200 associated with Kristina L. Hardin.

If any of the property described above, as a result of any act or omission of the defendant[s]:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

A TRUE BILL:

/s/

FOREPERSON OF THE GRAND JURY

Randy Castello  
Assistant United States Attorney

AMP  
5/17/2023 10:11 AM